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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 RICHARD W. TRAMMELL,

No. C 12-2664 CRB

12 Plaintiff,

**ORDER DENYING MOTION TO
APPOINT INTERIM LEAD CLASS
COUNSEL**

13 v.

14 BARBARA'S BAKERY, INC. ET AL.,

15 Defendants.
16 _____/


17 Plaintiff Trammel requests appointment of his counsel as interim lead class counsel
18 under Federal Rule of Civil Procedure 23(g), see dkt. 20, which permits but does not require
19 such appointments "if necessary to protect the interests of the putative class," such as in
20 cases of rival putative class counsel or litigation problems caused by uncertainty in
21 representation of the class. Fed. R. Civ. P. 23(g)(3) advisory committee's note. Defendant
22 Barbara's Bakery, Inc. ("Barbara's") filed a non-opposition to the appointment, but
23 suggested that counsel be required to propose fee and cost terms. See dkt. 22.

24 Neither Trammel nor Barbara's has articulated any good reason that interim counsel is
25 necessary. On the contrary, the briefing makes clear that counsel for Trammel has made
26 great progress and worked effectively with counsel for Barbara's without such appointment.
27 That other counsel might also seek to represent the class effectively in the future does not
28 justify the requested appointment at this time.

1 The Court finds this motion suitable for resolution without oral argument, see Local
2 Rule 7-1(b), and DENIES Trammel's motion for appointment of interim class counsel.

3 **IT IS SO ORDERED.**

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6 Dated: November 16, 2012



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California